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RUEHIN/AIT TAIPEI 6239
RUHBABA/CG III MEF CAMP COURNEY JA
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C O N F I D E N T I A L SECTION 01 OF 04 TOKYO 006736

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USCOMUS JAPAN FOR J00/J3/J5

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TAGS: MARR PGOV PREL JA

SUBJECT: JAPAN DEBATES COLLECTIVE SELF-DEFENSE

Classified By: Ambassador J. Thomas Schieffer; Reasons: 1.4 (b/d)

¶1. (C) Summary: Prime Minister Shinzo Abe's proposal to review constitutional interpretations that restrict the exercise of Collective Self-Defense has sparked a sharp debate within the government and ruling coalition. The focus of Abe's initiative has been on whether Japan has the authority to intercept a U.S.-bound missile. However, the broader debate on Collective Self-Defense also encompasses the ability of Japan's Self-Defense Forces (SDF) to protect U.S. and allied assets operating in defense of Japan and further afield. In 2003, the Koizumi administration expanded the SDF's operational authority using an expanded definition of "Individual Self-Defense," but stopped short of including Ballistic Missile Defense (BMD) or out-of-theater operations. Dovish elements of the ruling coalition and traditionalists within the defense establishment have openly criticized Abe's initiative. Officials in MOFA and the Cabinet Office say that Abe is serious about constitutional reinterpretation, but is unlikely to take action until after the July, 2007 Upper House election in deference to the LDP's coalition Komeito ally. End Summary.

Clear and Present Danger

¶2. (C) In recent weeks, Prime Minister Shinzo Abe has

reiterated his campaign pledge to review the constitutional "prohibitions" on the exercise of Collective Self-Defense. Abe has suggested that self-imposed limits on the SDF's authority to use force to protect U.S. territory and assets should be adjusted in order to strengthen the bilateral alliance. While recent comments have focused on whether the SDF could intercept a missile bound for the United States, Abe has also advocated enhancing the ability of Japanese naval and air assets to engage threats targeting U.S. and allied forces operating both in the region and further afield.

Nomenclature

13. (C) The Koizumi government took the first step towards addressing legal barriers to bilateral operational cooperation in 2003 with the passage of the Armed Attack Law.

Cabinet Counsellor for National Security Kenji Takahashi, one of the law's authors, noted that this legislation authorized SDF units for the first time to engage threats directed solely against U.S. forces. Takahashi explained that the government skirted the constitutional issues involved by defining such operations as falling under the category of "Individual Self-Defense." Since U.S. forces operating in areas surrounding Japan could be considered assets defending Japan, he added, an attack on a U.S. unit would equate to an attack on Japan.

14. (C) Takahashi explained that confusion over whether Maritime SDF units operating with U.S. vessels during the July 5 DPRK missile episode could defend their American

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counterparts was related to legal barriers, not constitutional interpretation. He asserted that SDF units can only defend U.S. assets in the case of a "wartime situation" as defined by the Armed Attack Law. In "peacetime conditions," which include operations conducted under the "Situations in Areas Surrounding Japan Law" (aka Regional Contingencies Law), SDF units are only authorized the use of force to protect themselves.

BMD: Breaking Precedent

15. (C) Some defense specialists, particularly in the Foreign Ministry, have advocated using the same "Individual Self-Defense" logic in the case of a missile launch on the assumption that the destruction of an American city would degrade the U.S. ability to fulfill its obligations under the Mutual Security Treaty. Tetsuzo Fuyushiba, the sole Komeito member in the Abe cabinet, told the embassy on the eve of entering government that his party could accept this approach. "We understand the operational necessities of permitting the SDF to conduct such activities, it is just the issue of constitutional reinterpretation" that is anathema to Komeito and its largely pacifist voter base, he stated. Fuyushiba said that as long as Abe expands SDF authority under the banner of Individual Self-Defense, "we are willing to work with him." Fuyushiba added, however, that Komeito would strongly prefer that any new policy wait until after the July, 2007 Upper House election.

16. (C) Traditionalists in the Japan Defense Agency and ruling Liberal Democratic Party (LDP) have taken a more strident line on the issue, pointing to past official statements linking missile defense operations with Collective Self-Defense. The most authoritative of these came in December, 2003, when then-Chief Cabinet Secretary (CCS) Yasuo Fukuda announced the Cabinet's decision to deploy a Ballistic Missile Defense (BMD) system. Fukuda stated that Japan's BMD assets would only be used "for the defense of Japan and not for the defense of third countries," thus the cabinet BMD decision was "not related to (the issue of) Collective Self-Defense."

¶7. (C) Chief Cabinet Secretary Yasuhisa Shiozaki's November 21 suggestion that the government would review the Fukuda formulation sparked an immediate rebuke from Defense Minister Fumio Kyuma. Kyuma ruled out a review of the missile intercept question based on "technical" grounds (Septel). JDA BMD Office Director Koji Kano explained that it is JDA's position that there is no reason to discuss the matter since Japan would not be capable of intercepting a Taepodong headed for the United States for many years. When pressed, Kano acknowledged that once upgraded with SM-3 missiles in 2007, Kongo-class Aegis destroyers would be technically capable of intercepting a Taepodong missile in boost phase, but asserted that chances for a successful hit were too low to justify a debate over its constitutionality.

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Talk Now, Decide Later

¶8. (C) Cabinet Office and MOFA officials express confidence that Abe will force the issue, but not until after the July, 2007 election. Cabinet Counsellor Kazunori Inoue asserted that Abe simply has too much on his political agenda to devote the political attention needed to press the Collective Self-Defense issue before then. Other Cabinet Office officials assert that despite CCS Shiozaki's September call for a panel to review the issues related to Collective Self-Defense, there has been no action to stand up a panel either inside the Cabinet Office or within relevant ministries.

Is Reinterpretation Enough?

¶9. (C) Many defense hawks in the LDP have argued that the government's focus on constitutional reinterpretation only complicates the political process without addressing core practical issues. LDP Diet member Seiji Hagiwara, a member of an LDP panel drafting a Permanent SDF Dispatch Law, said that individual SDF commanders are unlikely to feel comfortable taking action unless they have explicit legal authorization to do so. Noting the lack of enthusiasm on new authorizing legislation from the Cabinet Office and LDP leadership, Hagiwara suggested that PM Abe seems more intent on scoring ideological points than addressing real operational issues.

A U.S. Role?

¶10. (C) Short of authorizing legislation, MOFA North American Affairs Deputy General Kazuyoshi Umemoto has suggested that the U.S. and Japan use recently established bilateral mechanisms such as the Roles, Missions, and Capabilities Working Group (RMCWG) and Bilateral Planning Committee (BPC) to funnel political decisions on Collective Self-Defense-related issues to operational commanders. While welcoming U.S. input on substantive elements of the issue, other MOFA officials have cautioned against a public U.S. role in the debate to avoid giving the impression that PM Abe's actions are motivated by orders from Washington.

Beyond the Far East, a Bridge Too Far?

¶11. (C) Former Ambassador Hisahiko Okazaki, an informal Abe advisor and outspoken conservative commentator, predicted to the embassy that Abe would ultimately push through a sweeping reinterpretation of Collective Self-Defense that would enable SDF units to engage in protecting sea-lanes in the Indian Ocean and other global operations. Among LDP defense hawks, there is strong sentiment for expanding SDF Rules of Engagement for global operations, both bilateral and multilateral. Nevertheless, senior LDP Defense Staffer

Shigenobu Tamura said that dovish members of the ruling coalition would strongly resist moving discussions on Collective Self-Defense beyond the confines of the U.S.-Japan security treaty. Komeito's Fuyushiba offered a similar view, stating that any new operational authority beyond the "Far East clause" of the Mutual Security Treaty is out of the question from Komeito's perspective.

Comment: A Messy, but Important Debate

¶12. (C) Recent events on the Korean Peninsula and Japan's own embrace of BMD cooperation have thrust once theoretical questions of Collective Self-Defense to the front of the security policy debate. There is growing awareness within Japanese policy and political circles that the U.S. public will not support a one-way defense guarantee forever, particularly given the growing ballistic missile threat to the continental United States. The U.S. can play an important role in the ongoing internal debate by focusing on concrete operational problems that Japan's current restrictive approach present. Some of the most immediate challenges may be resolvable through changes to current law without formal constitutional interpretation. For the broader question of constitutional reinterpretation, Japan is moving in the right direction, but politics and bureaucratic inertia will likely rule out any serious movement until at least late next year.

SCHIEFFER